



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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*United States Attorney's Office*

*610 Federal Plaza  
Central Islip, New York 11722-4454*

February 23, 2012

VIA ECF AND INTEROFFICE MAIL

Honorable Arthur D. Spatt  
United States District Judge  
United States District Court  
1024 Federal Plaza  
Central Islip, New York 11722

Re: United States v. Celani  
Cr. No. 09-405 (ADS)

Dear Judge Spatt:

The government writes to respectfully respond to the defendant Frederick Celani's letter filed today seeking permission to waive his appearance at tomorrow's status conference.

The Court may recall that the defendant was permitted to waive his appearance at the last conference on January 27, 2012. No substantive conversations about the case occurred at that conference. Instead, the parties and the Court discussed the defendant's health in the aftermath of his fall 2011 stroke. A representative from the Bureau of Prisons was also present at the conference to provide the Court with an update on the defendant's current medical condition. In sum, the medical records that were read into the record at the conference revealed that, although the defendant sustained a stroke which affected his vision in one eye, the defendant was otherwise functioning reasonably well at the Metropolitan Detention Center and being given appropriate medical care.

Presently, the defendant's physician at the Metropolitan Detention Center reports that the defendant's blood pressure is a little high; there is no change regarding his vision; he experiences weakness on the right side of his body; and he sometimes has memory trouble. According to the defendant's physician, the defendant can care for himself and there is nothing preventing him from traveling to court.

The government is concerned that the defendant's absence at tomorrow's status conference, at which substantive issues in this case are likely to be discussed, will subject this case to collateral attack in the future on competency or other grounds.

Accordingly, the government respectfully requests that if the defendant persist in his refusal to come to court tomorrow or in the future, the Court make further inquiry to determine whether the defendant's ability to appear in court should be assessed further or whether he should be provided with an appropriate accommodation.

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

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cc: Defense Counsel (Via ECF)